

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Gregory D. Miller (GM-2387)
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Attorneys for Defendants
Sun Pharmaceutical Industries, Ltd. and
Sun Pharmaceutical Advanced Research Centre, Ltd.

ALTANA PHARMA AG and)
WYETH,)
)
Plaintiffs,)
)
v.)
)
TEVA PHARMACEUTICALS USA, INC.,)
and TEVA PHARMACEUTICALS, LTD.,)
)
Defendants.)

CIVIL ACTION NO. 04-2355 (JLL)
CIVIL ACTION NO. 05-1966 (JLL)
CIVIL ACTION NO. 05-3920 (JLL)

ALTANA PHARMA AG and)
WYETH,)
)
Plaintiffs,)
)
v.)
)
SUN PHARMACEUTICAL INDUSTRIES,)
LTD. and SUN PHARMACEUTICAL)
ADVANCED RESEARCH CENTRE, LTD.,)
)
Defendants.)

**NOTICE OF SUN'S MOTION FOR
LEAVE TO FILE AN AMENDED
AND SUPPLEMENTAL ANSWER,
AFFIRMATIVE DEFENSES,
AND COUNTERCLAIMS**

To: All Counsel

PLEASE TAKE NOTICE that on August 28, 2006 at 10:00 am, or as soon thereafter as the matter may be heard, Podvey Meanor Catenacci Hildner Coccoziello & Chattman, counsel for defendants Sun Pharmaceutical Industries, Ltd and Sun Pharmaceutical Advanced Research Centre, Ltd ("Sun"), shall move before Honorable Claire C. Cecchi, United States Magistrate Judge, at the Martin Luther King Federal Building & Courthouse, 50 Walnut Street, Newark, New Jersey 07101, for an Order granting leave for Sun to file an Amended and Supplemental Answer, Affirmative Defenses, and Counterclaims; and, upon the granting of that motion, an Order severing and staying all proceedings relating to Sun's new Counterclaims III, IV, V, and VI in the tablet litigation against Sun (05 Civ. 1966).

It is respectfully submitted that the requested relief is necessary to permit Sun to assert supplemental counterclaims for which Sun recently attained standing to assert on June 22, 2006, and which Sun believes to be compulsory to the present patent litigation; and to amend or supplement an affirmative defense and counterclaim of patent unenforceability to provide greater particularization of plaintiffs' acts of inequitable conduct which render the patent unenforceable, which Sun uncovered during a diligent pursuit and review of plaintiffs' voluminous document production, and which Sun could not earlier provide due to circumstances outside its control.

It is further respectfully submitted that, upon a granting of the requested relief, a severance and stay of all proceedings relating to Sun's new Counterclaims III, IV, V, and VI would avoid any delay or burden on the present tablet patent litigation (05 Civ. 1966).

PLEASE TAKE FURTHER NOTICE that Sun shall similarly move for an Order granting leave for Sun to file an Amended and Supplemental Answer, Affirmative Defenses, and Counterclaims in the consolidated intravenous litigation against Sun (05 Civ. 3920);

It is respectfully submitted that the requested relief is necessary to permit Sun to amend or supplement an affirmative defense and counterclaim of patent unenforceability to provide greater particularization of plaintiffs' acts of inequitable conduct, for the same reasons set forth hereinabove.

Two proposed forms of order are also submitted herewith for the Court's consideration.

Oral argument is requested.

Dated: July 25, 2006

Respectfully submitted,

/s/ Gregory D. Miller, Esq.
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Centre, Ltd.

Doc. No. 217062

CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused to be filed with the Court via ECF system and served one copy of the following:

1. Notice Of Sun's Motion For Leave To File An Amended And Supplemental Answer, Affirmative Defenses, And Counterclaims;
2. Sun's Memorandum In Support Of Its Motion For Leave To File An Amended And Supplemental Answer, Affirmative Defenses, And Counterclaims;
3. Declaration Of Julia S. Kim, With Attached Exhibits A To Q;
4. Proposed Order Granting Leave For Sun To File Its Amended And Supplemental Answer, Affirmative Defenses, And Counterclaims;
5. Proposed Order Severing And Staying All Proceedings Relating To Sun's New Counterclaims III, IV, V and VI;

Upon counsel as follows:

ELECTRONICALLY

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Date: July 25, 2006
Doc. No. 217062

\s\ Gregory D. Miller, Esq.